

This record is a partial extract of the original cable. The full text of the original cable is not available.

S E C R E T SECTION 01 OF 08 GENEVA 002712

SIPDIS

DEPT FOR T, VCI, ISN, EUR AND S/NIS  
DOE FOR NA-24  
JCS FOR J5/DDINMA AND J5/IN  
SECDEF FOR OSD/ISP AND OSD/ACP  
NAVY FOR CNO-N5GP AND DIRSSP  
DTRA FOR OSA AND DIRECTOR  
NSC FOR LUTI  
DIA FOR RAR-3

E.O. 12958: DECL: 11/08/2015

TAGS: [PARM](#) [KACT](#) [US](#) [RS](#) [UP](#) [BO](#) [KZ](#) [START](#) [JCIC](#) [INF](#)

SUBJECT: JCIC-XXVII: (U) HEADS OF DELEGATION MEETING ON  
UKRAINIAN PROPOSAL TO WITHDRAW PAVLOGRAD PRODUCTION  
FACILITY FROM THE LIST OF FACILITIES SUBJECT TO  
SUSPECT-SITE INSPECTIONS AND UKRAINIAN PROPOSAL TO CHANGE  
THE FUNCTION OF THE PAVLOGRAD CONVERSION OR ELIMINATION  
FACILITY, NOVEMBER 2, 2005

Classified By: Jerry A. Taylor, U.S. Representative to  
the Joint Compliance and Inspection Commission (JCIC).  
Reasons: 1.4 (b) and (d).

1. (U) This is JCIC-XXVII-038.
2. (U) Meeting Date: November 2, 2005  
Time: 10:30 A.M. - 12:00 P.M.  
Place: U.S. Mission, Geneva

-----  
SUMMARY  
-----

3. (S) At a heads of delegation (HOD) meeting, held at the U.S. Mission on November 2 at which all Parties were represented, the Ukrainian Delegation proposed to remove the Pavlograd ICBM Production Facility from the list of facilities subject to suspect-site inspections (SSI). They also proposed to change the function of the Pavlograd Conversion or Elimination Facility to that of a solid rocket motor storage facility and remove it from inspectability. The U.S. Delegation said that Washington would study the proposal. Other Parties received the statements without initial comment.

-----  
PAVLOGRAD SSI  
-----

4. (S) At a heads of delegation meeting at the U.S. Mission on November 2, 2005, Shevtsov said Ukraine proposed that the Parties consider a draft JCIC Agreement to remove the Pavlograd ICBM Production Facility from the list of facilities subject to SSI (text follows below). Shevtsov, reading from a prepared paper, stated that SS-24 first-stage solid rocket motors (SRM) without nozzles, which remained after the first phase of phased elimination, were located at the facility. Recognizing that, in accordance with paragraph 10 of Article IV of the Treaty, such SRMs for first stages of mobile ICBMs may be stored only in production, storage, and testing locations, he stated that the SS-24 first stages would be moved to the Pavlograd Conversion or Elimination Facility, where they would be stored and the solid propellant would be removed. Upon this transfer, he noted that there would be no more items of inspection at the Pavlograd Production Facility, which would permit the removal of the site from the list of facilities subject to SSI as listed in paragraph 12 of Annex I to the Ukrainian Memorandum of Understanding. He noted that JCIC Agreement Number 51 on removing Bershet' from the list of Russian facilities subject to SSI had great influence on the creation of the Ukrainian proposal. Taylor said Ukraine's proposal would be conveyed to Washington for review. All other Parties took account of the proposal without initial comment.

5. (S) Begin text (Ukrainian Non-Paper on the Removal of the Pavlograd Facility Subject to SSI from the List of Facilities Subject to SSI):

Official Translation

JCIC-XXVII  
Non-paper of the  
Ukrainian Side  
November 2, 2005

Removal of the Pavlograd Facility Subject to  
Suspect-Site Inspections from the List of  
Facilities Subject to Suspect-Site Inspections

The Ukrainian side, on the basis of the provisions of paragraph 5 of Section VIII of the Inspection Protocol, plans in the immediate future to remove the Pavlograd Production Facility (the Pavlograd Machine Plant) from the list of facilities subject to suspect-site inspections.

At present the SS-24 ICBM solid rocket motors (SRMs) without nozzles attached, which remained after the elimination of ICBMs under the first phase of their elimination in accordance with the provisions of JCIC Joint Statement No. 34 on Phased Elimination of SS-24 ICBMs Located in Ukraine, are in storage at this facility.

The provisions of paragraph 10 of Article IV of the Treaty specify that each of the Parties to the Treaty may locate solid rocket motors (SRMs) for first stages of ICBMs for mobile launchers of ICBMs only at locations where production and storage, or testing of such motors occurs and at production facilities for ICBMs for mobile launchers of ICBMs.

Proceeding from the requirements of this article of the Treaty, SRMs of ICBM first stages may be located at a production facility; however, in connection with the necessity for removing solid fuel from the cases of rocket motors, the SRMs of the first stages will be transferred in the immediate future to the Pavlograd Chemical Plant (a portion of whose territory has been declared an "ICBM conversion or elimination facility"), which radically changes the situation at this facility. This means that at the Pavlograd Production Facility there will no longer be items of inspection, as defined in paragraph 20(a) of Section VI of the Inspection Protocol.

In addition, the Ukrainian side is attentive to the fact that for about 15 years there has been no production of ICBMs for mobile launchers of ICBMs or the first stages of such ICBMs at this facility.

Since January 1995, the Pavlograd Machine Plant has been subject to the Treaty's inspection regime. Having conducted numerous inspections at that particular enterprise over time, the U.S. side has had the opportunity to ascertain that at that enterprise there is no covert assembly of ICBMs for mobile launchers of ICBMs or covert assembly of the first stages of such ICBMs.

Attention should also be drawn to the fact that since December 2001, the U.S. side has not conducted a suspect-site inspection at the given facility, which testifies to the absence of any concerns on the part of the U.S. side in terms of the Ukrainian side's compliance with Treaty obligations in regard to the given facility.

The Ukrainian side has prepared a draft of an appropriate JCIC Agreement ("Removal of the Pavlograd Facility Subject to Suspect-site Inspections from the List of Facilities Subject to Suspect-site Inspections") which will be handed over to the delegations at today's meeting.

While developing this document, the Ukrainian side used as a prototype an analogous agreement regarding the Russian "Bershet" facility, which was signed during the first part of the current session.

It is important for us at today's meeting to hear the preliminary thoughts of the other Parties about this issue in order to coordinate our subsequent actions in this area.

End text.

16. (S) Begin text (Ukrainian-Proposed Draft Text of JCIC Agreement):

Official Translation

JCIC-XXVII  
Draft Proposed  
by the Ukrainian Side  
November 2, 2005

JOINT COMPLIANCE AND INSPECTION COMMISSION  
AGREEMENT NUMBER BLANK  
RELATING TO THE TREATY BETWEEN THE  
UNITED STATES OF AMERICA AND THE UNION OF SOVIET  
SOCIALIST REPUBLICS ON THE REDUCTION  
AND LIMITATION OF STRATEGIC OFFENSIVE ARMS  
OF JULY 31, 1991

REMOVAL OF THE PAVLOGRAD FACILITY SUBJECT TO  
SUSPECT-SITE INSPECTIONS FROM THE LIST OF  
FACILITIES SUBJECT TO SUSPECT-SITE INSPECTIONS

The Government of the United States of America, the Government of the Republic of Belarus, the Government of the Republic of Kazakhstan, the Government of the Russian Federation, and the Government of Ukraine, hereinafter

referred to as the Parties,

In accordance with the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms of July 31, 1991, hereinafter referred to as the Treaty,

Acting pursuant to the authority contained in paragraph 5 of Section VIII of the Protocol on Inspections and Continuous Monitoring Activities Relating to the Treaty,

Have agreed as follows:

#### Article One

The Pavlograd Facility Subject to Suspect-Site Inspections shall be removed from the list of facilities contained in subparagraph 12(b) of Annex I to the Memorandum of Understanding on the Establishment of the Data Base Relating to the Treaty.

#### Article Two

This Agreement shall enter into force on the date of its signature, and shall remain in force as long as the Treaty remains in force.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Agreement.

DONE at Geneva on (BLANK), 2005, in five copies, each in the English and Russian languages, both texts being equally authentic.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA  
FOR THE GOVERNMENT OF THE REPUBLIC OF BELARUS  
FOR THE GOVERNMENT OF THE REPUBLIC OF KAZAKHSTAN  
FOR THE GOVERNMENT OF THE RUSSIAN FEDERATION  
FOR THE GOVERNMENT OF UKRAINE

End text.

-----  
PAVLOGRAD C OR E FACILITY  
-----

17. (S) Shevtsov, reading from a prepared paper, said that Ukraine proposed to change the function of the Pavlograd Conversion or Elimination Facility to that of an SRM storage facility (text follows below). Noting that partially-eliminated SS-24 SRMs will be stored there, Shevtsov explained that the Treaty did not provide for the storage of SRMs at conversion or elimination facilities. He argued that, based on the fact that "storage facility(ies) for solid rocket motors" are not listed in paragraph 5 of Section VII of the Inspection Protocol, such facilities are not subject to data update or new facility inspections under the Treaty. He said that the change in function would occur five days after Ukraine issued a NRRC notification. After the solid propellant has been removed from the motor cases by hydro-mining at the Pavlograd Chemical Plant, Ukraine intends to declare a new Pavlograd Conversion or Elimination facility for the second stage of the phased elimination process. Taylor said the proposal will be sent to Washington for further study. All other Parties took account of the statement without initial comment.

18. (S) Begin text (Ukrainian Non-Paper on Changing the Function of the Pavlograd Conversion or Elimination Facility):

Official Translation

JCIC-XXVII  
Non-Paper of the  
Ukrainian Side  
November 2, 2005

#### On Changing the Function of the Pavlograd Conversion or Elimination Facility

As our colleagues are aware, the elimination of SS-24 ICBMs is being carried out by the Ukrainian side in accordance with JCIC Joint Statement No. 34 on Phased Elimination of SS-24 ICBMs Located in Ukraine.

At present all the tasks of the first phase of elimination of Ukrainian SS-24 ICBMs have been performed in full. We now have to implement the final operation to eliminate the SRM cases after removing the solid rocket fuel from them.

Despite the fact that the U.S. cut off funding for this project, preparations for the second phase of elimination of SS-24 ICBMs are proceeding successfully. In June 2005 the process of actually washing out the solid rocket fuel began, using the water washout method from standard ICBM motors at a

pilot unit.

Taking into account the foregoing, there exists an opportunity to make certain adjustments to the function of the facilities and simplify the situation at the Pavlograd facilities.

In this context the Ukrainian side intends in the near future to change the function of the Pavlograd Conversion or Elimination Facility to the Pavlograd Storage Facility for Solid Rocket Motors.

Despite the fact that in accordance with the provisions of JCIC Joint Statement No. 17 on Changes in the Function of a Facility, each Treaty Party has the right to change the function of any facility declared in the MOU data, the Ukrainian side considered it necessary, on a preliminary basis, to provide the delegations with information on this issue.

This was due to the fact that there are certain special features for the Pavlograd Conversion or Elimination Facility (within the boundaries pursuant to JCIC Joint Statement No. S-20 on Changes to the Boundary of the Pavlograd Conversion or Elimination Facility).

Solid rocket motors (SRMs) of SS-24 ICBMs without nozzles attached, which remained after the elimination of ICBMs under the first phase of their elimination in accordance with the provisions of the above-mentioned JCIC Joint Statement No. 34, are in storage at the Pavlograd Conversion or Elimination Facility (PCP (Pavlograd Chemical Plant)).

In accordance with paragraph 107 (103) of the Definitions Annex, the term "solid rocket motor" means that part of a stage that consists of the case filled with solid fuel.

The provisions of paragraph 10 of Article IV of the Treaty specify that each Treaty Party may locate SRMs for first stages of ICBMs for mobile launchers of ICBMs only at locations where production and storage, or testing of such motors occurs and at production facilities for ICBMs for mobile launchers of ICBMs.

Such a category of facilities is provided for in the Treaty and is specified in paragraph 5 of Annex I to the Treaty's Memorandum of Understanding. The Ukrainian side believes that the Pavlograd Chemical Plant falls into the category of an SRM storage facility.

Thus, based on the requirements of the aforementioned article of the Treaty, as we understand it, SRMs of ICBM first stages may not be located at conversion or elimination facilities. Only the rocket motor cases that remained after the solid rocket fuel was removed from them may be located at such facilities for the purpose of their subsequent elimination. Indeed, that is one of the reasons for our proposal on changing the function of this facility.

We would like to point out to the Delegations of the Parties some further aspects concerning this issue.

In connection with the beginning of actual work on removing solid rocket fuel from the rocket motor cases using the water washout method at the Pavlograd Conversion or Elimination Facility (Pavlograd Chemical Plant), a special regime has been introduced at this enterprise, under which access of individuals to the premises during this work has been restricted to the maximum extent. This is because a large quantity (approximately 5,000 tons) of hazardous explosive material is concentrated at the enterprise.

The process of removing rocket fuel from the rocket motor cases is not subject to confirmatory inspections, as specified in para. 2 of Section I of the Conversion or Elimination Protocol. At the same time, in inspecting this facility, as an ICBM elimination facility, provision is made for access of U.S. inspectors and escort team members to that portion of the enterprise which is in direct proximity to the structures where the fuel removal work is carried out.

Taking into account the fact that the inspected Party is responsible for the safety of inspection team members during an inspection in Ukraine, the Ukrainian side will be compelled to suspend work at the enterprise during the inspection period; this is unacceptable since such actions will prevent ensuring the safety of the technological process.

In addition, this will lead to violation of the requirements of paragraph 6 of Section VI of the Inspection Protocol, under which inspectors do not have the right to interfere with ongoing activities at an inspection site...and do not have the right to hamper or delay the operation of a facility. Moreover, under this provision inspectors do not have the right to take actions affecting the safe operation

of a facility.

Thus, the Ukrainian side believes that these arguments are valid and are such that they do not contradict the provisions of the Treaty and that they are aimed at strict fulfillment of the provisions of the Treaty as it pertains to ensuring safety while conducting inspections.

Taking into account the requirements of the provision of JCIC Joint Statement No. 17 on Changes to the Function of a Facility, in accordance with paragraphs 3 and 9 of the Notification Protocol, the Ukrainian side will provide notification formats for changing the function of a facility.

In addition, the Ukrainian side understands that after the change in function, under the requirements of JCIC Joint Statement No. 17, this facility will be regarded as a new facility and will be declared in Annex I data of the START MOU.

At the same time, under paragraph 5 of Section VII of the START Inspection Protocol, this category of facility, "storage facility for solid rocket motors," is not subject to data update or new facility inspections under this Treaty.

On this basis, after expiration of a five-day period from the time the U.S. side receives the notification, in accordance with paragraph 3 of the Notification Protocol, of a change in the data by categories of data in the MOU in connection with a change in the function of a facility, the inspection regime at that new facility will be terminated.

In the future the Ukrainian side plans to declare a new facility, the "Pavlograd Elimination Facility for ICBMs," where the final phase of SS-24 elimination, i.e., the elimination of solid rocket motors, will be carried out, taking into account the elimination method selected by the Ukrainian side, as well as the requirements of the START Treaty and the agreements reached in the JCIC.

Thus, our proposals are within the Treaty framework, are consistent with the current state of affairs, and are aimed at simplifying the final phases of elimination.

End text.

9. (U) Documents exchanged.

- Ukraine:

-- Ukrainian Non-Paper on the Removal of the Pavlograd Facility Subject to Suspect-Site Inspections from the List of Facilities Subject to Suspect-Site Inspections, dated November 2, 2005;

-- Ukrainian-Proposed JCIC Agreement on the Removal of the Pavlograd Facility Subject to Suspect-Site Inspections from the List of Facilities Subject to Suspect-Site Inspections, dated November 2, 2005; and

-- Ukrainian Non-Paper On Changing the Function of the Pavlograd Conversion or Elimination Facility, dated November 2, 2005.

10. (U) Participants:

U.S.

Mr. Taylor  
Mr. Mullins  
Mr. Buttrick  
Lt Col Deihl  
Mr. Dunn  
LCDR Feliciano  
Mr. Fortier  
Mr. Hay  
Mr. Johnston  
Ms. Kottmyer  
Mr. Kuehne  
Maj Mitchner  
Col Rumohr  
Mr. Singer  
Mr. French (Int)

Belarus

Mr. Grinevich

Kazakhstan

Mr. Baisuanov

Russia

Mr. Boryak  
Col Yegorov  
Mr. Istratov

Ms. Kotkova  
Amb Masterkov  
Mr. Mezhenyy  
Mr. Smirnov  
Ms. Vodopolova  
Col Zaytsev  
Mr. Fokin (Int)

Ukraine

Dr. Shevtsov  
Col Taran  
Mr. Dotsenko  
Gen Fedotov

11. (U) Taylor sends.  
Cassel